

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

LARRY E. PEYTON, JR.,	:	
	:	CASE NO. 1:11-CV-02639
Plaintiff,	:	
	:	
vs.	:	OPINION & ORDER
	:	[Resolving Docs. No. 1 , 11 , 14]
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendant.	:	
	:	

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On December 6, 2011, Plaintiff Larry E. Peyton, Jr. filed a complaint seeking judicial review of the Defendant Commissioner of Social Security's decision to deny him disability benefits. [Doc. [1](#)]. The matter was referred to Magistrate Judge Greg White pursuant to Local Rule 72.2. On July 11, 2012, Magistrate Judge White issued a Report and Recommendation recommending that Plaintiff Peyton's complaint be dismissed for want of prosecution. [Doc. [14](#) at 1-2]. Specifically, Magistrate Judge White noted that Peyton had until June 11, 2012 to file his brief on the merits, but failed to do so and also failed to ask for an extension of time to do so. [Doc. [14](#) at 1-2]. On June 26, 2012 Magistrate Judge White issued a show cause order giving Plaintiff until July 6, 2012 to explain why this lawsuit should not be dismissed. [Doc. [13](#); [14](#) at 1-2]. Peyton never responded to that order, nor did he respond to Magistrate Judge White's Report and Recommendation.

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of

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those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). The Act grants parties fourteen days to file objections. *Id.* Failure to object within this time waives a party's right to appeal the district court's judgment. [FED. R. CIV. P. 72\(a\)](#); *see also Thomas v. Arn*, 474 U.S. 140, 145 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). Absent objection, a district court may adopt the magistrate judge's report without review. *See Thomas*, 474 U.S. at 149.

In this case, neither party has objected to the Magistrate Judge's recommendation. Moreover, having conducted its own review of the Report and Recommendation, record, and parties' (minimal) briefs, the Court agrees with the recommendation of Magistrate Judge White that the Court dismiss Peyton's lawsuit for want of prosecution.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge White's Report and Recommendation and incorporates it fully herein by reference, and **DENIES** Plaintiff Sopko's complaint.

IT IS SO ORDERED

Dated: September 17, 2012

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE